

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

M.G., a minor and through  
her mother, Christina Garcia, et al.,

Plaintiffs,

v.

No. 1:22-cv-00325 MIS/DLM

DAVID SCRASE,<sup>1</sup> in his official capacity  
as Secretary for the Human Services  
Department of New Mexico, et al.,

Defendants.

**ORDER SETTING STATUS CONFERENCE AND DIRECTING BRIEFING**

THIS MATTER is before the Court on Defendants' Notice of Steps Taken to Arrange for In-Home Shift Nursing Services to Plaintiffs, ECF No. 233, and Plaintiffs' Request for Telephonic Status Conference, ECF No. 238. The Court will hereby set a status conference in this case for **Friday, August 11, at 10:00 AM**. The Court will determine the location for the status conference at a later date.

The Court is inclined to appoint an expert to monitor the steps taken by Defendants to comply with their obligations under the law. Under Federal Rule of Civil Procedure 53, the Court may appoint a special master to "address pretrial and posttrial matters that cannot be effectively and timely addressed by an available district judge or magistrate judge of the district." Fed. R. Civ. P. 53(a)(1)(C). Given the complexities of the instant case, the Court will order the parties to **SHOW CAUSE** by **August 2, 2023** as to why a special master should not be appointed in the

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<sup>1</sup> Since the filing of the Complaint, David Scrase has been replaced in his role at New Mexico Human Services Department by Acting Secretary Kari Armijo. *See* ECF No. 176 at 1 n.1.

instant case, with the expenses to be paid by Defendant. *See* Fed. R. Civ. P. 53(a)(3) (The Court “must consider the fairness of imposing the likely expenses on the parties . . .”).

The parties shall also meet and confer, and provide the names of three potential experts, along with information on their qualifications, to the Court by **August 2, 2023**. Such individual or individuals should have subject-matter expertise in the New Mexico Medicaid program and related home care services. In the event that the parties cannot agree on three experts, each side may suggest their own experts. Each side shall have until **August 9, 2023**, to submit objections to the other side’s experts.

**IT IS SO ORDERED.**

A handwritten signature in black ink that reads "Margaret Strickland". The signature is written in a cursive, slightly slanted style. Below the signature is a horizontal line.

**MARGARET STRICKLAND**  
UNITED STATES DISTRICT JUDGE